SPECIAL MEETING NORTH SMITHFIELD TOWN COUNCIL

**AUGUST 4, 2014** 

KENDALL-DEAN SCHOOL AUDITORIUM

6:30 P.M.

The meeting was called to order at 6:32 P.M. and began with the prayer and the pledge to the flag. Council members present were Mr. Yazbak, Mr. Zwolenski and Mr. Flaherty. Ms. Alves and Mr. McGee arrived later. Also in attendance were Town Administrator Hamilton and Town Solicitor Lombardi.

#### **EXECUTIVE SESSION**

MOTION by Mr. Yazbak and seconded by Mr. Zwolenski to enter into executive session at 6:33 P.M. It was decided to wait a few minutes for the other Council members so the motion and second were withdrawn.

#### **OUTDOOR SOUND SYSTEM PERMIT - D. SIMAO**

MOTION by Mr. Zwolenski, seconded by Mr. Yazbak, and voted 3 to 0 on a roll call vote to approve an outdoor sound system for Daniel Simao of 1220 Pound Hill Road from 3:00 P.M. to 11:30 P.M. on September 27, 2014 with parking at and a shuttle from St. John's Church.

Mr. Yazbak did ask Mr. Simao to be respectful of the neighbors if a complaint should arise.

BV LIQUOR LICENSE FOR TEXAS ROADHOUSE HOLDINGS LLC D/B/A TEXAS ROADHOUSE

MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted 3 to 0 on an aye vote to table this to later as the attorney for the applicant had not arrived yet.

CONTRACT OF UNDERSTANDING WITH ALLAN BOOTH OF WIMBORNE AND SUMMERTREE LLC

MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted 3 to 0 on a roll call vote to approve the contract as presented.

MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted 3 to 0 on a roll call vote to authorize the Town Administrator to execute the document.

MOTION by Mr. Zwolenski, seconded by Mr. Yazbak, and voted 3 to 0 on an aye vote to take a two-minute recess at 6:47 P.M.

The meeting resumed at 6:49 P.M.

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MEMORANDUM OF AGREEMENT WITH DATTCO BUS COMPANY
This agreement will allow DATTCO Bus Company the use of an
existing radio system on the Woonsocket Hill tower for a one-time

set-up fee of \$300.00. This will allow DATTCO to communicate with all the busses transporting students within the Town. There will be a \$250.00 monthly rental fee thereafter, paid to the Town of North Smithfield EMA to be designated for maintenance of the tower during the year. The agreement will be for a twelve-month period and will be reviewed after ten months.

MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted 3 to 0 on a roll call vote to approve the agreement as presented and to authorize the Town Administrator to sign the Memorandum of Agreement.

#### **EXECUTIVE SESSION**

MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted 3 to 0 on a roll call vote to enter into executive session at 6:51 P.M. pursuant to RIGL 42-46-5(A)(2) Sessions pertaining to collective bargaining or litigation or work sessions pertaining to collective bargaining or litigation to discuss water and wastewater agreements with the City of Woonsocket.

MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted 3 to 0 on a roll call vote to come out of executive session at 7:12 P.M. and to seal the minutes. No motions were made and no votes were taken.

(Ms. Alves had arrived at 7:11 P.M.)

WORKSHOP WITH RIDOT RE: COMBINED ROAD, BRIDGE AND SEWER PROJECT

Mr. Flaherty explained there are a number of potential projects within the Branch Village district that present an opportunity to leverage one off of another and to execute them in a way that is more efficient for the town as well as the state and it minimizes any disruption to residents and businesses in the area.

In terms of infrastructure, plans call for expansion of sewers.

Mr. Flaherty learned that the Department of Transportation has three projects slated, two of them are within the district and the third is just outside. There is the bridge that goes over Branch River and located near the ATP building scheduled for 2016. There is the railroad bridge located just outside of the district scheduled for 2015 and there is an intersection project at Great Road and St. Paul Street. He noted that the town has the objective of installing sewers along Great Road. There are also transportation improvements envisioned.

Can all projects be incorporated into one single contract - sewer expansion, sidewalk improvement, repaving. To get town transportation improvements onto the state improvement plan, the town would have to do the design work and engineering plan (best way to get onto state's plan). Construction would fall to the state to do.

Robert Smith, Deputy Chief Engineer with the Department of Transportation, acknowledged there is a definite advantage to doing sewers and roads at the same time. The project will receive higher priority if the town does the design work. If it turns out that federal funds will be used, that would need to be investigated and federal regulations would have to be followed. At the moment federal funding is unstable.

Sewer plans have been completed. The Town applied for a low-interest loan through the Rhode Island Clean Water Finance Agency and the Council voted to have the Town Administrator secure that funding. The Town has not, however, closed on that yet. The Department of Environmental Management is eager for that to happen especially because of the problems on Andrews Terrace that have been in existence for a number of years.

Scott Gibbs, Chairman of the North Smithfield Redevelopment Agency, spoke about the ATP property on Great Road. The receiver of the property has had some preliminary conversations with Neighborworks Blackstone River Valley (NWBRV) who is very interested in acquiring

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real estate. He asked if the Council would be interested in having the Redevelopment Agency proceed with conversations with the receiver and NWBRV, not sign anything, and return at a later date to the Council.

Mr. Zwolenski would like to more firmly define the use for the ATP building.

RESOLUTION **ENCOURAGING IMPLEMENTATION** OF **STEPS** RELATED TO THE BRANCH VILLAGE REDEVELOPMENT PLAN MOTION by Ms. Alves, seconded by Mr. Zwolenski, and voted 4 to 0 on a roll call vote to adopt the following resolution: "WHEREAS, the North Smithfield Town Council unanimously adopted a multi-year Redevelopment Plan in 2008 following two years of study, public input and a unanimous recommendation from the North Smithfield Planning Board; and WHEREAS, the purpose of the Redevelopment Plan is to a.) Increase the municipal tax base, b.) Improve the appearance and function of the district, c.) Better utilize district assets including its proximity to Route 146, underutilized existing buildings and desirable infill opportunities; and WHEREAS, the North Smithfield Town Council established by ordinance a North Smithfield Redevelopment Agency with all such powers conferred by state statute to be a catalyst for implementing the Branch Village Redevelopment Plan; and WHEREAS, the Town Council finds that the Branch Village Redevelopment District suffers from blighted and substandard conditions and requires public infrastructure investments to accommodate substantial new private investment; and WHEREAS, the Town of North Smithfield, with funding received from Rhode Island Statewide Planning and the U.S. Department of

Transportation, Federal Highway Administration, conducted the Branch Village Revitalization Study that was performed with broad participation of community stakeholders as well as partners in state government; and WHEREAS, the findings of this study indicated that addressing certain transportation and streetscape deficiencies, together with a local investment in expanded sewer infrastructure, would improve the function and aesthetics of the entire district and position it to attract and accommodate as many as 2,865 permanent jobs, providing a steady and incremental expansion of the municipal tax base; and WHEREAS, the Town Planning Board and the Town Council unanimously approved a conceptual plan and cost estimate for specific transportation improvements in the Transportation and Buildout Analysis performed as part of the Branch Village Study by the Pare Corporation; and WHEREAS, the Town Sewer Commission has also recommended a conceptual plan for expansion of town sewers within the Branch Village Redevelopment district; and WHEREAS, the Town Council included funding in the FY2015 Town Budget for infrastructure contingency costs that may be associated with advancing implementation of the Branch Village Redevelopment NOW, THEREFORE, BE IT RESOLVED: That the North Plan. Smithfield Town Council reaffirms its commitment to taking all necessary and reasonable steps to advance the Branch Village Redevelopment Plan and realize its fiscal and community benefits. Specifically, it encourages relevant town boards and commissions to collaborate with town staff and others on the following next steps: Solicitation of bids to perform design/engineering of transportation

installation, improvements and sewer according to the Redevelopment Plan; Continued collaboration with RIDOT to explore options for RIDOT to integrate, oversee and manage a single, comprehensive contract bid to implement roadway, bridge and sewer infrastructure as part of state-planned improvements to two bridges and one intersection in the Branch Village Redevelopment District; Propose amendments to the North Smithfield Sewer Ordinance that would help to facilitate a fiscally feasible and cost-effective expansion of sewer infrastructure in the Branch necessary Redevelopment district; Continued pursuit of the \$3M low-interest sewer construction loan approved for North Smithfield by the Rhode Island Water Finance Agency; Support the use of the North Smithfield Sewer Enterprise Fund to supplement the Rhode Island Clean Water Finance Agency to underwrite the cost for sewer improvements, if deemed advisable by the consultant drafting proposed amendments to the North Smithfield Sewer Ordinance."

# RESOLUTION FOR PRIVATE REDEVELOPMENT OF THE FORMER ATP MANUFACTURING FACILITY

Mr. Flaherty read the following resolution: WHEREAS, the NSRA held a workshop with the Town Council on April 7, 2014 reaffirming the merits of the Branch Village Redevelopment Project, and presenting three (3)

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key tasks to accomplish in the near term to move the redevelopment

district project forward; and WHEREAS, One of the three (3) tasks outlined in the workshop was the importance of facilitating the redevelopment of the former ATP site, which represented both a serious blighting condition and unrealized economic development asset in the redevelopment district; and WHEREAS, A representative of the NSRA, Town Administration, and Town Planner recently met with Executive Director Joseph Garlick of Neighborworks Blackstone River Valley (NWBRV) and the broker for the property receiver to discuss the property status; and WHEREAS, Executive Director Garlick expressed interest in collaborating with the NSRA to control, investigate, and possibly acquire the ATP property for subsequent redevelopment. The proposed collaboration strengthens NWBRV's request to its funding sources to underwrite the property acquisition; and WHEREAS The receiver's broker affirmed the receiver's interest in working with the Town and NWBRV in expeditiously moving forward with acquisition negotiations; and WHEREAS, NWBRV has indicated their commitment to fund the update of previously conducted Phase I/Phase II environmental investigation of the ATP site; and WHEREAS, Consistent with its authorities as outlined in Rhode Island General Laws and the Town Ordinance establishing the NSRA, the NSRA proposed to enter into simultaneous negotiations with the ATP receiver and NWBRV for the acquisition and sale of the ATP property; and WHEREAS, The intent of the NSRA is to be a facilitator and conduit for the proposed transaction, and to be a catalyst for the redevelopment of the ATP property as an important community and economic asset; and WHEREAS, The NSRA's

proposed actions would require no expenditure of town funds, and the execution of any and all proposed purchase and sales agreements would be subject to approval by the Town Council. NOW, THEREFORE, BE IT RESOLVED: That the North Smithfield Town Council requests that the NSRA continue to explore all reasonable efforts to pursue the successful redevelopment of the former ATP site including collaborative partnerships with the Town of North Smithfield and/or the North Smithfield Redevelopment Agency, fully understanding that nothing in this Resolution constitutes authorization by the Town Council of the NSRA executing any resulting agreements until said agreements are presented to the Town Council for review and approval."

Both Mr. Zwolenski and Mr. Yazbak firmly did not want this building to turn into more affordable housing but rather should be used as an economic development project. They would like to see that reflected within the fourth paragraph of the resolution.

Joseph Freitas, a member of the North Smithfield Redevelopment Agency, responded that whatever is proposed for the use of that building would have to come back before the Council for approval and he doesn't believe the resolution needs to be that specific.

Mr. Yazbak suggested adding (NSRA) after North Smithfield Redevelopment Agency in the heading because it is used throughout the resolution.

MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted 4 to 0 on a roll call vote to approve the resolution with amendments.

Richard Bianculli of the Department of Environmental Management commented that the department has been working with North Smithfield for a number of years and the focus to Andrews Terrace is a major concern to DEM. He questioned if the town is planning on closing on the loan with the Rhode Island Clean Water Finance Agency in the immediate future.

Ms. Hamilton answered that the town has been given a one year option to close on it. The town needs to determine a fair, affordable cost for people affected in the area.

MOTION by Ms. Alves, seconded by Mr. Zwolenski, and voted unanimously on an aye vote at 8:12 P.M. to take a two-minute recess.

The meeting resumed at 8:16 P.M.

BV LIQUOR LICENSE FOR TEXAS ROADHOUSE HOLDINGS LLC D/B/A TEXAS ROADHOUSE

In response to a question from Mr. Zwolenski, John Prescott, Market Partner for Texas Roadhouse, stated plans are to open the restaurant on June 22, 2015.

MOTION by Mr. Yazbak and seconded by Mr. Zwolenski to approve the application of Texas Roadhouse Holdings LLC upon the contingencies that they get approval from the Department of Health, that they obtain a Certificate of Occupancy, that the Building Inspector amend his date to his current date of review, that all town fees are paid and that the license will be held for them until August of 2015.

The motion passed 4 to 0 on a roll call vote.

(Mr. McGee arrived at 8:30 P.M.)

## ADA RAMP THROUGH CARROLL PARK AND MEMORIAL PARK

Mr. Ericson noted the issue is a handicap access ramp that will take people from the sidewalk by the bridge up to Main Street. The initial zigzag proposal was rejected by the RI Historic Preservation Commission. Garofalo, the engineering firm, came back with alternates and 2A had the most support.

MOTION by Mr. Flaherty, seconded by Mr. Yazbak, and voted

unanimously on a roll call vote to approve the concept as presented with the condition that existing plantings and benches be preserved and relocated where necessary and that additional landscaping will have input from the Garden Club.

## PROFESSIONAL ENGINEERING SERVICES FOR WALGREEN'S

Whenever the town has a project that has public improvements, there is a process whereby the developer puts money in escrow and the town selects the technical reviewer who does inspections on site.

Mr. Zwolenski would like to have the engineering company review the retaining wall at the Walgreen development.

Mr. Ericson commented that the retaining wall would not be more than six feet tall and the engineering company's review was not necessary.

MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote to approve Joe Casali Engineering, Inc. as the town's advocate and reviewer of engineering and professional consultation on the Walgreen's site, with expenses to be borne by the applicant at a total cost not to exceed \$1,925.00.

MOTION by Mr. Yazbak, seconded by Mr. McGee, and voted unanimously on a roll call vote to authorize the Town Administrator to execute the contract.

#### **ABATEMENTS**

Mr. Yazbak recused from this discussion as his name, as well as several clients, is on the list.

Several lists and backup had been provided to the Council members.

There were a couple of accounts that Mr. Zwolenski had questions about.

Mr. Yazbak, who did not have a conflict with those particular accounts, mentioned that he had a conversation with Mr. Booth who is working in the Assessor's office and it was confirmed that cities and towns contact each other to assure that property is being taxed.

MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 0 on a roll call vote to enter as Exhibit A the document with the list of abatements on it, beginning with No. 14-001 through No. 14-036, for the total amount of \$22,232.46.

MOTION by Mr. Zwolenski, seconded by Mr. McGee, and voted 4 to 0 on a roll call vote to accept the abatements of \$22,232.46.

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POTENTIAL NEW ZONING ORDINANCE AND ONGOING VIOLATIONS Mr. Zwolenski noted the town has no zoning ordinance that establishes an amount of square footage for accessory uses.

Town Planner Robert Ericson stated that limiting accessory uses presents a problem. Every so often someone will propose something that does not look good and it will be in a very conspicuous place. If you start limiting accessory uses in an RA or REA zone, it will be at the expense of the larger ability to support agriculture and agricultural operations. There is a resurgent interest in agriculture because of organic farming, hydroponics and community-supported agriculture.

Mr. Flaherty commented that the Council had approved a Business Agriculture zone and he suggested applying that zone as a floating zone or applying it to areas in the town that are known to have opportunities for agriculture but that are not residential.

Mr. Ericson responded that the town allows crops and trees for commercial purposes in the RA and the REA zones and that is most of the town.

Mr. Yazbak asked if there could be some type of proposal that would limit the location of ancillary buildings.

Mr. Zwolenski had questions about overgrown pools and lawns,

compost and yard waste being dumped near property lines and time limits on dumpsters in a front yard.

Mr. Ericson responded that some would require a minimum housing ordinance and others a general ordinance.

Ms. Hamilton replied she has been working on a time limit ordinance for dumpsters and she does have a draft.

Stephen Wowk spoke about the ongoing problem with junk in his neighbor's yard. It has been going on for more than twenty years.

Mr. Zwolenski would like to see the chronological dates of violations, dates appeared before the Municipal Court Judge, the outcomes, the fines, etc. for that property.

Ms. Hamilton and Mr. Benoit have met with Assistant Town Solicitor Archambault on a number of issues including this one. The Town brings complaints to the Municipal Court but has no jurisdiction over fines that are imposed.

Mr. Zwolenski has received complaints about an auto body shop located on Hanton Road.

Ms. Hamilton stated that Building Inspector Robert Benoit has spoken to the owner who, in turn, has spoken to his renters. Whenever the building official has been out to the property, there has been no activity. Now she is learning that activity occurs late on Friday night and on weekends.

Mr. Zwolenski would like to have Mr. Benoit meet with a neighbor to explain what has been taking place on the property.

### **REVENUE PROJECTIONS**

This was continued to the August 18th meeting.

MOTION by Mr. Yazbak and Ms. Alves, seconded by Mr. McGee, and voted unanimously on an aye vote to adjourn at 9:49 P.M.

Respectfully submitted,

Debra A. Todd, Town Clerk